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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/662,323	09/16/2003	Isao Hirooka	031013	9164

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WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP
1250 CONNECTICUT AVENUE, NW
SUITE 700
WASHINGTON, DC 20036

EXAMINER

AVELLINO, JOSEPH E

ART UNIT	PAPER NUMBER
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2143

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/06/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/662,323

Applicant(s)

HIROOKA, ISAO

Examiner

Joseph E. Avellino

Art Unit

2143

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 9/16/03.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>9/16/03</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-7 are presented for examination; claim 1 independent. The Office acknowledges the Preliminary Amendment amending the claims to conform to the USPTO regulations regarding multiple dependent claims. As such, all multiple dependent claims in this application will be construed as depending from claim 1 for examination purposes.

Information Disclosure Statement

2. The IDS submitted September 16, 2003 has been considered. See enclosed PTO-1449.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 3, 6, are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

5. Claim 3 recites "the work area", which lacks antecedent basis.

6. Claim 6 recites "said diagnostic tool", which lacks antecedent basis.

Correction is required.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-7 are rejected under 35 U.S.C. 102(e) as being anticipated by Weber et al. (US 20020184360) (hereinafter Weber).

8. Referring to claim 1, Weber discloses a device diagnosis system, comprising:

a database server (i.e. management station 206) for acquiring and centrally managing diagnostic data (i.e. types and configurations of devices on network) on a plurality of devices to which different types of diagnostic software (i.e. device management application programs 214) are applied (e.g. abstract; Figure 2);

a diagnosis execution unit for executing said diagnostic software according to said diagnostic data (i.e. depending on the managed devices, the server will pull the appropriate program 214 from local storage 210 to be executed on the management station) (e.g. abstract; p. 4, ¶ 40-42); and

a human-machine interface for communicating with said database server and said diagnosis execution unit (i.e. if a user is capable of interacting with the management server, then there inherently must be a human-machine interface) (Figures 6 and 7).

9. Referring to claim 2, Weber discloses a common interface is provided for the programs of said diagnostic software in said diagnosis execution unit (i.e. all the management programs are applets, which all run within a common web browser) (p. 4, ¶ 42; p. 5, ¶ 51, 60).

10. Referring to claim 3, Weber discloses the work area of the diagnostic software is formed within said server (i.e. applets control server side components to do the actual management) (pp. 5-6, ¶ 61-64).

11. Referring to claim 4, Weber discloses the database server acquires diagnostic data (i.e. the Office construes "diagnostic data" as any data which can be used to monitor or manage a network and any of its devices) from devices under diagnosis through an external tool (i.e. the monitored device, operating under SNMP or another management protocol) and by direct input by a user (i.e. the user is capable of inputting device commands to the system) (p. 5, ¶ 55; p. 6, ¶ 67).

12. Referring to claim 5, Weber discloses diagnostic navigators for monitoring said software and a tool to provide screens necessary for diagnosis (Figures 5-7; p. 5, ¶ 60).

13. Referring to claim 6, Weber discloses the diagnostic tool provides setup screens specific to types of diagnostic software (i.e. Figures 6 and 7) and common control unit for providing screens common to all types of diagnostic software (i.e. the discovery applet) (Figures 6-7; ¶ 52-60).

14. Referring to claim 7, Weber discloses being connected to an external network (Figure 1, ref. 118).

Conclusion

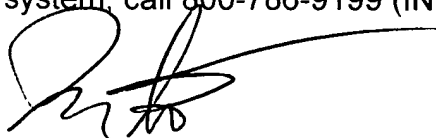
15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph E. Avellino whose telephone number is (571) 272-3905. The examiner can normally be reached on Monday-Friday 7:00-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A. Wiley can be reached on (571) 272-3923. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2143

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

A handwritten signature in black ink, appearing to read 'J. Avellino', with a long horizontal flourish extending to the right.

Joseph E. Avellino, Examiner
February 20, 2007